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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/179,872	10/28/1998	PAN-JIN KIM	1317.1055/MD	6192

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/179,872

Applicant(s)

KIM ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14, 17, 18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-18 & 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the claims have been considered but are not persuasive. Applicant argues on page 8 that "In contrast, Eyer discloses channels 10.1, 10.2, 10.3, which fails to disclose channel 10 without a decimal. It is noted that in table 2 of Eyer, the major channel is 10 and the corresponding minor channels are 111, 112, 113. Thus, the minor channels lack the "root" 10". Examiner agrees that the disclosure in Eyer of minor channels as 10.1, 10.2, 10.3; ABC-1, ABC-2, ABC-3; etc., all include an extension and thus do not meet the claimed subject matter.

However, as discussed by applicant, Table 2 clearly shows that channel 10 is the major channel, and channels 111, 112 & 113 are the minor channels and thus do not have extensions. Therefore Table 2 stills meets the claimed subject matter. Furthermore, it is pointed out that Table 2 of Eyer corresponds directly with Figs. 9A & 9B. Apparently, the amended claimed feature 'without any extensions', is directed to Figs. 9A & 9B, since the Figs. 3, 5A, 5B, 5C, 7A & 7B, all show minor channels with extensions.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-11, 13, 17-18 & 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer, (U.S. Pat # 5,982,411).

Considering claims 1 & 7, the amended claimed method for displaying channel information on a digital TV for receiving digital multichannel TV broadcasting, comprising changing a current channel to a demanded major channel outside of an EPG environment in response to a demand to change a major channel, is met by the disclosure of Eyer, which for instance, discloses a user changing a channel from CH-8, to CH-9, to CH-10, using the Channel-Up technique, col. 4, lines 22-28 & col. 5, lines 1-30.

As for the additionally claimed feature of automatically displaying on a TV screen, the minor channel numbers of programs received through the currently selected major channel and a number of the major channel number Eyer, discusses that the user steps through the channels

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111-113, which correspond to sub-channels of an ABC group of channels; see col. 5, lines 28-45 & col. 9, lines 14-65.

Regarding the specifics of displaying the channel numbers on the TV screen, Eyer also discloses actually displaying the list of sub-channels; see col. 9, lines 65-68 thru col. 10, lines 1-8.

In particular Eyer, in Table 2 shows that the channels numbers may be represented in the format of:

major channel # - minor channel #.

Table 2 of Eyer also shows that the virtual number, which is the number that the subscriber enters, are numerals between 1-999. Thus, for example, the major channel number is "10", whereas the associated minor channel numbers are 111-113. Thus the display of channel 10 reads on the amended claimed feature of, 'and a number of the major channel separately from the corresponding minor channel numbers', since Eyer discloses that the secondary channels may be thought of as being "inside" of the primary channel, col. 10, lines 1-7.

It is note that the minor channels 111, 112 & 113 do not have extensions and thus meet the amended claimed subject matter.

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Considering claims 2-3, Eyer teaches displaying the minor channel numbers in order of number, and after the currently selected major number, col. 10, lines 1-15.

Considering claims 8-9, the claimed subject matter also reads on Eyer, col. 10, lines 1-8.

Considering claim 10, the instant claim reads on displaying the TV program from the channel of the lowest minor channel number, after the instant channel is selected, which is necessarily included in Eyer.

Considering claims 11 & 13; see col. 9, lines 14-58.

Considering claims 17-18, the claimed apparatus and device for displaying channel information on a digital TV, comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, are likewise treated.

Considering claims 20 & 21, the claimed features of displaying non selected minor channel numbers or all of the minor channel numbers of the currently selected major channel numbers is also met by the disclosure of Eyer, col. 10, lines 1-15.

Considering claim 22, in Eyer only the major channel # of the selected channel is shown, not the major channel number of unselected channels, which reads on the claimed subject matter.

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Considering claim 24, Table 2 showing 111, 112 & 113 are minor channels without any extensions.

Considering claim 25, Table 2 shows the major and minor channels simultaneously.

Considering claim 26, the claimed subject matter is also met by Table 2.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer, in view of Etheredge, (U.S. Pat # 6,172,674).

Considering claims 4 & 6, Eyer does not teach hiding the major or minor channel numbers after a prescribed time has elapsed. Nevertheless, Etheredge provides a disclosure of removing a particular pop-menu that has been activated by the user, after a certain time, if a channel selection or menu item selection has not been made, (col. 13, lines 26-50; col. 14, lines

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4-40; col. 15, lines 10-25). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Eyer with the technology taught by Etheredge, at least for the known advantage of reducing the amount of extraneous information displayed to the viewer, since after a certain amount of time it may be assumed that the viewer is no longer interested in making a channel change from the menu displayed on the TV screen.

Considering claim 5, see Eyer col. 10, lines 1-10.

6. Claims 12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer, in view of Keenan, (U.S. Pat # 5,161,023).

Considering claim 12, the instant claimed feature reads on an endless loop operation such that once the user gets to the top of a list of programs, the next program to be highlighted (selected), would be the program at the bottom of the list, and vice versa. Keenan (col. 1, lines 51-59) discloses such a technology. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Eyer, with the known technology of 'wrap around' lists as taught by Keenan (Fig. 3A; col. 3, lines 40-52), at least for the desirable purpose of avoiding the user having to move the cursor in the other direction in order to reach the opposite extreme of the instant list, which would be burdensome on the user, at least in the case of long lists of programs.



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Considering claim 14, as discussed above in the analysis of claim 12, it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Eyer with the well known 'wrap around' technology disclosed in Keenan (Fig. 3A). However, claim 14 requires the additional step that a user is automatically connected to a succeeding or preceding list of minor channels, depending on whether the user's cursor is currently selecting the highest minor channel or lowest minor channel, respectively of the currently active minor channel list. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Eyer & Keenan to move to a next list of channels, at least for the desirable advantage of avoiding the user having to manually select the next list of channels.

### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

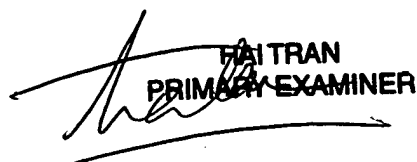
(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
HAI TRAN  
PRIMARY EXAMINER